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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,111	03/16/2001	Steve B. McGowan	2207/10379	9369

7590

09/23/2005

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EXAMINER

PHAN, TRI H

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/811,111

Applicant(s)

MCGOWAN, STEVE B.

Examiner

Tri H. Phan

Art Unit

2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 01 September 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

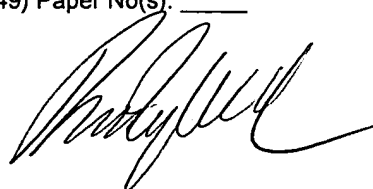
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-27.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.



BRIAN NGUYEN

PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the examiner submits that the Trost reference reads upon the claimed limitations.

- Regarding claims 1 and 13, Trost discloses about the system and method for assembling and managing communication packet and transmission in the wireless communication system, e.g. 'Bluetooth networks' (For example see Figs. 1; page 1, para [0004]; page 2, para [0040]), between Bluetooth devices (For example see Figs. 1; page 2, para [0041]) by using Bluetooth radio frequency 'RF' connections. Trost also discloses about the input from the Bluetooth device, such as the keyboard ("peripheral device to encode data"; For example see Fig. 1), would be converted into L2CAP, HCI and USB packets ("encoding data into USB packet"; For example see Figs. 1, 2B, 8; pages 4-5, paras [0070-0071]) and would then be formed into the over-the-air packets for transmitting through the transceiver ("encoding USB packet into Bluetooth packet"; For example see Figs. 13-15; page 6, paras [0086-0087]) to/from the Bluetooth host, such as the personal computer ("host device"; For example see Fig. 1, 2A-C) for reassembling into USB packets ("encoding/decoding into USB/Bluetooth packets"; For example see Figs. 15-16; page 7, paras [0089-0091]).

- Regarding claim 25, Trost discloses in Figs. 1-16 and in the respective portions of the specification about the system and method for assembling and managing communication packet and transmission in the wireless communication system, e.g. 'Bluetooth networks' (For example see Figs. 1; page 1, para [0004]; page 2, para [0040]), between Bluetooth devices (For example see Figs. 1; page 2, para [0041]) by using Bluetooth radio frequency 'RF' connections. Trost also discloses about the input from the Bluetooth device, such as the keyboard ("peripheral device to encode data"; For example see Fig. 1), would be converted into L2CAP, HCI and USB packets ("encoding data into USB packet"; For example see Figs. 1, 2B, 8; pages 4-5, paras [0070-0071]) and would then be formed into the over-the-air packets for transmitting through the transceiver ("encoding USB packet into Bluetooth packet"; For example see Figs. 13-15; page 6, paras [0086-0087]) to/from the Bluetooth host, such as the personal computer ("host device"; For example see Fig. 1, 2A-C) for reassembling into USB packets ("encoding/decoding into USB/Bluetooth packets"; For example see Figs. 15-16; page 7, paras [0089-0091]). Trost also teaches about the method for adding header in the L2CAP/HCI transport layer ("transaction header") to form the over-the-air packets, e.g. Bluetooth packets, for transmitting (For example see Figs. 13-14; pages 6-7, paras [0087-0088]), about the channel ID in the L2CAP packets ("channel identifier"; For example see Fig. 13; page 6, para [0086]), and about the fragment for each connection via the L2CAP layer into segments and reassembling the USB packets into the HCI and over-the-air packets ("baseband packets"), e.g. Bluetooth packets (disclosed in the claimed inventions 6-7 and 18-19; For example see Figs. 13-14, 27; page 6, para [0086-0087], page 7, para [0090]); for transmitting between the Bluetooth devices ("transmission from host to HID devices, and vice versa"; For example see Fig. 1) as disclosed in the claimed inventions 10 and 22; wherein the size of the transmission packets ("packet size") are based on the Bluetooth packets types and length for segmenting and transmitting over the air ("information in the L2CAP packet and the maximum transmission unit"; For example see page 7, para [0092]; page 9, para [0116]; page 10, para [0133]; as disclosed in the claimed inventions 8-9 and 20-21). Though, Trost does disclose about the USB layer and packets [For example see pages 4-5, paras [0070-0071]), but not explicitly disclose about "HID protocol" as the type of protocol for USB protocol (which is defined in USB Rev. 1.1 and HID Version 1.1 of USB Implementors Forum, Inc. and Standard Group); therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to use the "HID protocol" as the specific type of protocol for USB protocol as the matter of choices, which depends on the systems and engineering choices. Trost does not explicitly disclose about "SAR module"; but does disclose about the fragment for segmenting/reassembling packets via the segmenter of the L2CAP layer (For example see Figs. 13-14). Therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the "SAR module" into the Trost's fragment of the L2CAP layer for segmenting and reassembling packets, as the specific module for segmentation and reassembly capabilities.

Claims 2-12, 14-24 and 26-27 are rejected as in Part 3 and 5 of the Office action above and by virtue of their dependence from claims 1, 13 and 25.

In response to Applicant's argument that the references fail to show a certain feature of Applicant's invention, it is noted that the feature upon which Applicant relies (i.e. the USB packet being encoded using the Bluetooth protocol as specifically recited in the description of Figure 3, pages 7 and 8 of the specification) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Continuation of 13. Other: Claims 1-27 remain rejected as set forth in the final rejection of paper no. 6/1/2005.